

**POLICY AND LAW COMMITTEE MEETING
AUGUST 21, 2006 – 1 PM
APPOQUINIMINK STATE SERVICE CENTER – MIDDLETOWN, DE**

Present: Bob Osgood, SCPD; Daniese McMullin-Powell, SCPD; Brian Hartman, DLP; Jamie Wolfe, Consumer (via phone); Chris Long, DHSS/DDDS; Tim Brooks, CDS; Rita Marocco, NAMI-DE; Pat Maichle, DDC; Liz Schantz, Consumer; Norwood Coleman, Consumer; Tony Horstman, SCPD; Wendy Strauss, GACEC; Victor Orija, Ombudsman's Office; Charlotte Herbert, LDAF; Kyle Hodges, Staff

Absent: Doyle Dobbins DELARF; Brian Bard, Consumer; Marge Turner, UCP; Carolanne O'Brien, DVR; Rita Landgraf, SCPD; Regina Byers, GCAAPD; Cookie Austin, SCPD

CALL TO ORDER

Bob Osgood called the meeting to order at 1:15 PM.

ADDITIONS OR DELETIONS TO THE AGENDA

Brian added Accessory Dwelling Units (ADU) to the agenda. Kyle added an announcement.

APPROVAL OF MINUTES

Motion was made, seconded and approved to accept the July 13, 2006 minutes as submitted.

REVIEW OF POLICIES AND REGULATIONS

1. DMMA Final Renal Disease Program Drug Benefit Reg. [10 DE Reg. 347 (August 1, 2006)] – It was agreed that no further action was needed.

2. DOE Final District Curricula-Content Standards Alignment Reg. [10 DE Reg. 344 (August 1, 2006)] - It was agreed that no further action was needed.

3. DOE Rev. Prop. Early Childhood Teacher Certification Regs. [10 DE Reg. 211 (August 1, 2006)] – It was agreed that GACEC would follow-up with an email to DOE.

4. DOE Rev. Prop. ESOL Teacher Certification Regulation [10 DE Reg. 208 (August 1, 2006)] – Motion was made, seconded and approved for SCPD to send a letter to DOE consistent with Brian's memo. Tim Brooks abstained.

5. DOE Proposed Criminal Background Check Regulations [10 DE Reg. 253 (August 1, 2006) - Motion was made, seconded and approved for SCPD to send a letter to DOE

consistent with Brian's memo. Tim Brooks abstained.

6. DOE Proposed DSTP Regulations [10 DE Reg. 245 (August 1, 2006)] - Motion was made, seconded and approved for SCPD to endorse GACECs letter to DOE. Tim Brooks abstained.

7. DMMA Proposed LTC Income First Regulation [10 DE Reg. 283 (August 1, 2006)] – It was agreed not to take any action.

8. DSS Proposed TANF Regulations [10 DE Reg. 286 (August 1, 2006)] - Motion was made, seconded and approved for SCPD to send a letter to DSS consistent with Brian's memo.

9. DSCY&F Proposed Day Care Center Regulation [10 DE Reg. 308 (August 1, 2006)] – Regarding the 14th observation, it was agreed to remove the reference to the ADA, but still endorse the provision that licensees will comply with all Federal and State laws and regulations thus permitting the Department to consider a broad array of conduct in the licensing context.

The 28th, 29th and 40th observations have TBI implications; therefore BIAD will be copied and made aware of this. In addition, DPH will be copied.

Regarding the 44th observation, it was agreed to include taking away mobility related assistive technology (e.g. wheelchairs, crutches) from a child as a consequence of inappropriate behavior.

Regarding the 45th observation, it was noted that the regulations do contain a complaint process. However, it was agreed that the regulations should include an Internal Grievance Procedure which does not supplant the Department and/or Office of Child Care Licensing Complaint Procedure referenced in Section 5.7.

Motion was made, seconded and approved for SCPD to send a letter consistent with Brian's memo and the aforementioned recommendations.

OTHER BUSINESS

Personal Assistance Services Agencies (PASA) Regulations – Kyle provided the draft regulations which he received from Mary Peterson at DPH. These are a result of the passage of HB 190. Kyle had notified Brian about the regulations and Brian has started his analysis. Kyle has received comments from Easter Seals and will forward these to Brian. The regulations will be reviewed at the September meeting.

DTC No-Show Policy – Kyle provided the latest draft of the policy. Bonnie Hitch is willing to come to a meeting if necessary. Kyle will try to determine the turnaround time. Jamie offered the following preliminary suggestions on the regulations:

- Page 3, last bullet under “No Show” should also include the correct entrance of the location (e.g. mall, office building).
- Page 3 - Excused No Shows should include another bullet to address when a rider’s support person does not show up.
- Page 5 under “Medical Services” – Trips should also be provided for employment purposes when a rider is placed on suspension.
- Page 6 – The appeal process should be conducted by an impartial review panel.

Kyle noted that part of the current process is conducted by non-DART personnel. Jamie noted that the current draft merely says a person may request a formal review by EDTAC, which includes DTC staff. At a minimum, if it is intended that the appeal process be conducted by an impartial review panel, it needs to be clarified.

Accessory Dwelling Units (ADU) – Kyle provided a News Journal article and information from New Castle County regarding “in-law” suites and ADUs. These ADUs may help individuals remain in the community. Motion was made, seconded and approved for SCPD to send a letter to New Castle County Council endorsing the concept of the ADUs. The letter should list some of the reasons we support it - some people are currently priced out and could afford to live in one of these units close to relatives who could offer support. For example, instead of paying for expensive assisted living units, they could invest in one of these units. It would be cheaper for the family and the state. It was agreed that the letter should indicate that we prefer that there be some design standards which encourage accessibility and universal design. The target is really the elderly and people with disabilities who could benefit from accessible units.

Deficit Reduction Act (DRA) Meeting – Jamie reported that there will be an overview of the DRA and its affect on home and community based services on August 24th at 10 AM at the Center for Disabilities Studies.

ADJOURNMENT

The meeting was adjourned at 3:30 PM.

Respectively submitted,

Kyle Hodges
 SCPD Administrator
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